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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	9311.17	4558
21999	7590	10/04/2006	EXAMINER	
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,142

Applicant(s)

SMITH ET AL.

Examiner

Timothy M. Harbeck

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Editors (Business Editors, High-Tech Writers Summer Internet World 99. "PocketCard  
Inc.'s Product Launch at Internet World Summer 99; High-Tech VISA Card Ends  
Expense Account Headaches." Business Wire. New York: Jul 21, 1999. pg 1) in view of  
Claus (US PAT 5,857,079).

**Re Claim 1:** Editors discloses the high-tech VISA PocketCard comprising:

- Establishing a plurality of virtual financial accounts wherein each virtual financial account wherein multiple virtual financial accounts may be overlaid upon one actual financial account (Page 2, 4<sup>th</sup> full paragraph)
- Allocating a given amount of funding for each of the plurality of virtual financial accounts from each of the actual financial accounts upon which each virtual financial account is overlaid (Page 2, 4<sup>th</sup> full paragraph; "employer sets individual limits for each card.")
- Allocating a transaction to a virtual financial account selected from the plurality of virtual financial accounts, the transaction corresponding to a debit from or a credit to at least one of the actual financial accounts

upon which the virtual financial account selected is overlaid (Page 2, 9<sup>th</sup> full paragraph; "The report is automatically prepared as the card is used. As soon as a transaction takes place, complete details are entered into the card's transaction history." Also see 11<sup>th</sup> full paragraph "cardholders can review records for their individual account.")

- Debiting or crediting the allocated fund amount according to the transaction allocated to the particular virtual financial account and from the at least one corresponding actual account (See 4<sup>th</sup> full paragraph; debiting of the virtual account is inherent in that the employee cannot spend more than the amount allocated. If virtual account was not debited with each transaction the employee would be able to surpass the limit. This is not the case.)

Editors does not explicitly disclose wherein each virtual account is capable of being overlaid upon multiple actual financial accounts. Claus discloses wherein each virtual accounts (categories) can be overlaid upon multiple financial accounts (Type). For example the "groceries" virtual account can be overlaid onto either of the cash or credit actual accounts in Fig 13. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teaching of Claus to the disclosure of Editors so that a single card is utilized to record and categorize transactions for a business expense account. In this manner the business entity has maximum control and oversight over the transactions of their employees.

**Re Claim 2:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of determining a balance with each of the plurality of virtual financial accounts (Page 2, 2<sup>nd</sup> full paragraph, the employer can review all card transactions at any time by accessing the account at PocketCard's website." And 9<sup>th</sup> full paragraph "The employer can review the history online at anytime.")

**Re Claim 3:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of displaying the balance of a virtual account after transaction allocation and debit or credit of the transaction (Page 2, 9<sup>th</sup> paragraph; "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.")

**Re Claim 4:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of distinguishing between the transactions that have cleared real time through the actual financial account and those that have not within each of the plurality of virtual financial accounts. (Page 2, 9<sup>th</sup> paragraph; "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.")

**Re Claim 5:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of displaying transaction information of a selected allocated transaction within one of the virtual accounts (Page 2, 11<sup>th</sup> full paragraph "Cardholders can review records for their individual account.").

**Re Claim 6:** Editors discloses a method for managing financial resources in an automated fashion comprising:

- Establishing a plurality of virtual financial accounts overlaid on actual accounts, wherein multiple virtual accounts may be overlaid upon a single actual account (Page 2, 4<sup>th</sup> full paragraph)
- Allocating a given amount of funding for each of the plurality of virtual accounts from each of the actual accounts upon which each virtual account is overlaid (Page 2, 4<sup>th</sup> full paragraph; "employer sets individual limits for each card.")
- Allocating transactions in real time to the appropriate virtual accounts so that individuals in remote locations may view the accounts and coordinate purchases (Page 2, 2<sup>nd</sup> full paragraph, the employer can review all card transactions at any time by accessing the account at PocketCard's website." And 9<sup>th</sup> full paragraph "The employer can review the history online at anytime.")

Editors does not explicitly disclose wherein each virtual account is capable of being overlaid upon multiple actual financial accounts. Claus discloses wherein each virtual accounts (categories) can be overlaid upon multiple financial accounts (Type). For example the "groceries" virtual account can be overlaid onto either of the cash or credit actual accounts in Fig 13. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teaching of Claus to the disclosure of Editors so that a single card is utilized to record and categorize transactions for a business expense account. In this manner the business entity has maximum control and oversight over the transactions of their employees.

**Re Claim 7:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of determining a balance with each of the plurality of virtual financial accounts (Page 2, 2<sup>nd</sup> full paragraph, the employer can review all card transactions at any time by accessing the account at PocketCard's website." And 9<sup>th</sup> full paragraph "The employer can review the history online at anytime.")

**Re Claim 8:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of displaying the balance of a virtual account after transaction allocation and debit or credit of the transaction (Page 2, 9<sup>th</sup> paragraph; "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.")

**Re Claim 9:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of distinguishing between the transactions that have cleared real time through the actual financial account and those that have not within each of the plurality of virtual financial accounts. (Page 2, 9<sup>th</sup> paragraph; "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.")

**Re Claim 10:** Editors in view of Claus discloses the claimed method supra and Editors further discloses the step of displaying transaction information of a selected allocated transaction within one of the virtual accounts (Page 2, 11<sup>th</sup> full paragraph "Cardholders can review records for their individual account.").

**Re Claims 11-21:** Further apparatus claims would have been obvious in order to perform the previously rejected method claims 1-10 and are therefore rejected using the same art and rationale.

***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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